

Remarks

Claims 24-40 are pending in this application with Claims 24-32 being withdrawn from consideration. Favorable consideration of the claims is respectfully requested in light of the following Remarks.

1. The Office action rejects Claims 33-37 under 35 U.S.C. §103(a) over Johansson et al. (U.S. Patent No. 6,305,239, hereinafter "Johansson") in view of DE 197 06 692 (U.S. Patent No. 6,082,219 to Wolpert, hereinafter "Wolpert"). The rejection is respectfully traversed.

Independent Claim 33 specifies, *inter alia*, an actuation device for a motor vehicle comprising a pedal stand mounted to the vehicle, a housing for a generator, and a pedal lever, pivotally attached to a base member, wherein the pedal lever and the generator are operatively coupled to one another and jointly swivel in relation to the pedal stand.

Johansson discloses an adjustable pedal arrangement including a mounting arrangement 1 for attachment to a vehicle structure 37, an accelerator pedal 6, a brake pedal 7, and a clutch pedal 8. The pedals 6, 7, 8 are pivotally supported with respect to the mounting arrangement 1 and define a first pivot axis 9. An adjustment element 5 is pivotally supported with respect to the mounting structure 1 and defines a second pivot axis 4. The pedals 6, 7, 8 are pivotally mounted within the adjustment element 5 to pivot about the first pivot axis 9. Thus, the first pivot axis 9 moves with respect to the second pivot axis 4 when the adjustment element 5 is rotated.

Wolpert (DE 197 06 692) discloses a pedal arrangement having at least one pedal. The pedal swivels about a swiveling axis and is disposed on a bearing block. The bearing block for the pedal is fixed to the vehicle body. A lever extension on the pedal projects beyond the swiveling axis to an opposite side, and a transmitting rod, which extends in a longitudinal direction of the vehicle, is linked at one end in a force-transmitting manner to the lever extension. A lever arm of a double-armed lever rocker is linked to another end of the transmitting rod. An opposite lever arm of the double-armed lever rocker is linked to a plunger rod of the brake operating booster. The lever arm is swivellably disposed on a front wall by a second bearing block. As best illustrated in Figure 2, the brake operating unit and

the pedal are attached to separate bearing blocks. Thus, the position of the pedal relative to the brake operating unit changes when a frontal impact occurs. The second bearing block, along with the double-armed lever and plunger, move forward into the vehicle. The first bearing block and the brake pedal remain relatively unaffected.

In contrast, Applicants amended claims are directed towards an actuation device wherein the pedal lever and the generator jointly swivel in relation to the pedal stand. Thus, during a frontal impact, the position of the pedal lever relative to the generator is generally unaffected during the displacement. The frontal impact causes the second leg of the pedal lever to act on the generator, thereby performing the same function as if a force was asserted on the first leg of the pedal lever.

It is respectfully submitted that there is no mention in Johansson and Wolpert of at least the feature of an actuation device wherein the pedal lever and the generator jointly swivel in relation to the pedal stand. Thus, the combination of Johansson and Wolpert does not disclose all the claim limitations, as recited in Claim 33, and therefore the Office action does not establish a *prima facie* case of obviousness. See MPEP §2143.

For at least this reason, Claims 33-37 are allowable over the applied art, taken singly or in combination. Withdrawal of the rejection is respectfully requested.

2. The Office action rejects Claims 38-40 under 35 U.S.C. §103(a) over Johansson and Wolpert, and further in view of Rixon et al. (U.S. Patent No. 5,890,399, hereinafter "Rixon"). The rejection is respectfully traversed.

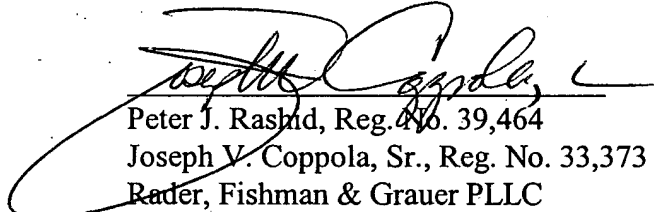
The Rixon reference discloses an adjustable pedal assembly. However, the Rixon reference does disclose a pedal assembly wherein a pedal lever and a generator jointly swivel in relation to a pedal stand. Accordingly, Rixon adds nothing to overcome this shortcoming in Johansson and Wolpert. Thus, the combination of Johansson, Wolpert and Rixon fails to disclose, teach or suggest all of the claim limitations of Applicant's invention. Accordingly, the Office action fails to establish a *prima facie* case of obviousness. Withdrawal of the rejection is respectfully requested.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of the application is earnestly solicited.

Should Examiner McAnulty believe anything further would be desirable in order to place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

It is believed that any additional fees due with respect to this paper have already been identified. However, if any additional fees are required in connection with the filing of this paper, permission is given to charge account number 18-0013 in the name of Rader, Fishman and Grauer PLLC.

Respectfully submitted,



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